

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA *ex rel.*
SILBERSHER *et al.*,

Plaintiffs,

vs.

JANSSEN BIOTECH, INC., et al.,

Defendants.

Civil Action No. 19-12107 (KM) (ESK)

LOUISIANA HEALTH SERVICE &
INDEMNITY COMPANY D/B/A BLUE
CROSS AND BLUE SHIELD OF LOUISIANA,
et al., on behalf of themselves and all others
similarly situated,

Plaintiffs

vs.

JANSSEN BIOTECH, INC., et al.,

Defendants.

Civil Action No. 19-14146 (KM) (ESK)

KPH HEALTHCARE SERVICES, INC., a/k/a
KINNEY DRUGS, INC., *et al.*,
individually and on behalf of all others similarly
situated,

Plaintiffs,

vs.

JANSSEN BIOTECH, INC., et al.,

Defendants.

Civil Action No. 20-05901 (KM) (ESK)

**STIPULATION AND ORDER
REGARDING COORDINATION OF
CASES AND CONSOLIDATION OF
DOCKETS**

The parties in the above-captioned litigation have met and conferred and, subject to this Court's approval, respectfully submit this Stipulation and proposed Order.

WHEREAS, *United States ex rel. Silbersher v. Janssen Biotech Inc., et al.*, Civil Action No. 19-12107 (KM-ESK), is referred to as the “*Qui Tam* Action;”

WHEREAS, *Louisiana Health Service & Indemnity Co., et al. v. Janssen Biotech, Inc., et al.*, Civil Action No. 19-14146 (KM-ESK), and *Self-Insured Schools of California v. Janssen Biotech, Inc., et al.*, Civil Action No. 19-14291 (KM-ESK), were previously consolidated for all purposes and are referred to as the “End-Payor Class Action;”

WHEREAS, *KPH Healthcare Services, Inc. v. Janssen Biotech, Inc., et al.*, Civil Action No. 20-05901 (KM-ESK), is referred to as the “Direct Purchaser Class Action;”

WHEREAS, although the *Qui Tam* Action, End-Payor Class Action and Direct Purchaser Class Action will not themselves be consolidated, the parties agree that because these cases share a common nucleus of alleged facts, both discovery and pre-trial proceedings in the three actions should be coordinated for pre-trial purposes to the extent reasonably practicable;

WHEREAS this order does not impact consolidation of proceedings for purposes of trial; and

WHEREAS, the parties agree that it will promote efficiency for the dockets in the *Qui Tam* Action, End-Payor Class Action, and Direct Purchaser Class Action to be consolidated.

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

The *Qui Tam* Action, End-Payor Class Action, and Direct Purchaser Class Action will be coordinated for discovery and pre-trial purposes and the dockets in all three actions will be consolidated to one docket, with Civil Case No. 19-12107 (KM-ESK) designated as the Master Docket.

A. Consolidation of Any Later-Filed End-Payor or Direct Purchaser Class Actions

If one or more additional actions are filed in this district, or transferred to this Court, that

purport to be brought on behalf of a class of end-payors of Zytiga, they shall be deemed consolidated with the End-Payor Class Action unless an objection is filed within 14 days of effective service of each new complaint on all parties, and the objection is sustained.

If one or more additional actions are filed in this district, or transferred to this Court, that purport to be brought on behalf of a class of direct purchasers of Zytiga, they shall be deemed consolidated with the Direct Purchaser Class Action unless an objection is filed within 14 days of effective service of each new complaint on all parties, and the objection is sustained.

B. Case Caption and Consolidation of Dockets

The Clerk of Court is directed to consolidate the *Qui Tam* Action, End-Payor Class Action, and Direct Purchaser Class Action to one docket, with Civil Action No. 19-12107 (KM)(ESK) designated as the Master Docket.

All actions related to the *Qui Tam* Action, End-Payor Class Action, and/or Direct Purchaser Class Action filed in or transferred to this district, or to be filed or transferred, shall bear the following caption:

In re: Zytiga Litigation	Master Docket. No. 19-12107 (KM)(ESK)
This Document Relates To:	

When a pleading or other court paper filed is intended to apply to all actions, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption set out above. When a pleading or other court paper is intended to apply only to one, or some, but not all, of such actions, the party filing the document shall indicate the action(s) to which the document is intended to apply. The parties may indicate, for example, “*Qui Tam* Action” or “End-Payor Class Action” or “Direct Purchaser Class Action.”

The master docket sheet entry will reflect the fact that any particular filing relates to one or more, but less than all, of the actions. It is the obligation of counsel for the party undertaking such a filing to ensure that any orders entered pursuant to such a filing reflect this limitation.

Dated: March 24, 2021

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SO ORDERED this _____ day of _____ 2021.

EDWARD S. KIEL, U.S.M.J.